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Attorney for: Defendant Andy Jaurigue

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. 09-00456-JW
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING DATE
vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT, 18 U.S.C.
Andy Jaurigue,)	SECTION 3161
)	
Defendant)	
)	
)	
)	
)	

The United States of America, by Tom O'Connell,
Assistant United States Attorney, and the defendant in the above
case, by and through his attorney Peter A. Leeming, hereby enter
into this joint stipulation.

The parties stipulate, and ask the Court to adopt as its
FINDINGS that:

1. This case is currently set for status on September 28,
2009 at 1:30 P.M. Through this stipulation, the parties are
requesting the hearing be continued until October 26, 2009, at
1:30 P.M.

1 2. This matter involves allegations of distribution of
2 narcotics in a sting operation operated by the California Highway
3 Patrol and the DEA.

4 3. The government has extended a settlement offer to Mr.
5 Jaurigue and has invited the defense to submit materials in
6 response. An appropriate submission requires defense
7 investigation that has not been completed. Counsel for Mr.
8 Jaurigue has not been able to provide the requested information
9 to the government, due to his involvement in a multi defendant
10 homicide case, *People v. Mendoza et al.*, #WF00742. In that case,
11 Mr. Leeming represents a 14 year old juvenile who is charged as
12 an adult with first degree murder. That matter has required a
13 great deal urgent attention and extensive motion work due to the
14 unique nature of the proceedings.

15 4. Both sides therefore respectfully request that the
16 court order as follows:

17 1. That the current hearing date of September 28, 2009 be
18 vacated;

19 2. That a new be set for October 26, 2009 at 1:30 P. M.,
20 for further proceedings, and:

21 3. That an exclusion of time is appropriate and necessary
22 in order to allow the effective preparation of counsel and to
23 complete investigation, pursuant to Title 18, United States Code,
24 Section 3161(h)(8)(B)(iv).

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26
27
28 IT IS SO STIPULATED

1 Dated: 9/23/09

By: _____/S/_____
THOMAS O'CONNELL, Assistant
United States Attorney

2
3
4
5 Dated: 9/23/09

By: _____/S/_____
PETER A. LEEMING, attorney
for Andy Jaurigue

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3 **IN THE UNITED STATES DISTRICT COURT**
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5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6
7 **SAN JOSE DIVISION**

8 UNITED STATES OF AMERICA,) No. 09-00456 JW
9 Plaintiff,) ~~PROPOSED~~ ORDER CONTINUING
10 vs.) **HEARING DATE AND EXCLUDING**
11 Andy Jaurigue, Defendant) **TIME UNDER THE SPEEDY TRIAL**
12) **ACT**
13)

14 **ORDER**

15 For the reasons stated in the above Stipulation, the Court
16 orders as follows:

17 1. The current hearing date of September 28, 2009 is
18 vacated and the case is continued to October 26, 2009 at 1:30 P.
19 M., for further proceedings.

20 2. The Court finds, based on the aforementioned reasons,
21 that the ends of justice served by granting the requested
22 continuance outweigh the interest of the public and the defendant
23 in a speedy trial. The failure to grant the requested
24 continuance would deny defense counsel reasonable time necessary
25 for effective preparation, taking into account the exercise of
26 due diligence, and would result in a miscarriage of justice. The
27 Court therefore concludes that this exclusion of time from
28

1 September 28, 2009 to October 26, 2009 should be made under 18
2 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

3 IT IS SO ORDERED.

4 Dated: September 25, 2009


United States District Court
Judge